



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 18 2008

REPLY TO THE ATTENTION OF:

LR-8J

Brian M. Gresser, P.E.
Administrator
Akron Water Pollution Control Division.
2460 Akron Peninsula Road
Akron, Ohio 44313

Re: Off-Site Rule Acceptability Determination
Akron Water Pollution Control Station

Dear Mr. Gresser:

This letter is in response to your letter of July 7, 2008 to Mr. William Damico regarding the Akron Water Pollution Control Station, located at 2460 Akron Peninsula Road, Akron, Ohio, request for CERCLA Off-Site Rule acceptability.

My staff reviewed the operations at the Akron Water Pollution Control Station for compliance with the acceptability criteria in 40 C.F.R. § 300.440 (b). During the review, my staff learned that Akron is a combined sewer operation and that certain events cause the facility to by-pass the second stage of treatment during what are termed "by-pass events." Furthermore, there is a unit in the facility that receives hauled waste (primarily leachate from landfills at this time) in a large storage tank for controlled release processing at the facility. This system is required to not release waters for treatment during "by-pass events." The remainder of the wastewaters processed at the facility arrive in what I will call "continuous flow" pipes.


Because of issues with the status of the long term control plan related to reducing or eliminating the need for "by-pass events," it is not possible to give the entire Akron Water Pollution Control Station an acceptable determination. However, the CERCLA Off-Site Rule provides the capability to designate different "receiving" units within a facility for different status determinations. My staff has determined that the storage tank unit can be approved as an acceptable receiving unit because of the capability to store waters in this unit and avoid processing and release without full treatment during "by-pass events." The "continuous flow" unit, however, will be designated as an unacceptable receiving unit because wastes that enter through this unit will not receive full treatment before being released to the environment during "by-pass events."

This acceptability determination is based on the assumption that only wastes which comply with the permits issued to the Akron Water Pollution Control Station will be accepted. It is your responsibility to review any proposed waste streams for compliance with the permits for your facility.

Please note that this determination is based on the available information at the time of the review. Your status could be changed any time relevant information becomes available according to the procedures in 40 C.F.R. § 300.440 (d). Generators who need to use a currently acceptable facility should verify the current acceptability of any facilities they wish to use with the appropriate Regional Off-Site Rule Coordinator(s).

If you have questions, please contact Mr. Damico at (312) 353-8207, United States Environmental Protection Agency, Region 5 – LR-8J, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

Sincerely,

A handwritten signature in cursive script that reads "Willie H. Harris".

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

cc: Sandy Cappotto, Ohio Environmental Protection Agency, Northeast District Office